IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 1289 OF 1985

Bela Traders. .. Plaintiffs

vs.

Bhagyanagar Silk

Mills Pvt. Ltd., .. Defendants.

Mr. J.S. Shah for the plaintiffs.

Ms. B. D'Souza i/by M.M.Vashi

for defendants.

CORAM : S.U. KAMDAR, J.

DATE : 10th August, 2005.

P.C.

. The present suit is filed for recovery of the sum of Rs. 1,87,311/- with interest on the principle amount of Rs. 1,19,809/- at the rate of 24% per annum. The suit is for the goods sold and delivered. It is the case of the plaintiffs that the goods were sold by the plaintiffs to the defendants between the period 16.8.1982 and 15.11.1982 and in respect of which the plaintiffs issued notices from time to time. It is the further case of the plaintiffs that the defendant has

accepted the said invoices but has not made payment in respect thereof. It is the further case of the plaintiff that at the foot of the account as on 15.11.1982 there is due and payable by the defendant to the plaintiff sum of Rs. 1,19,809/-. It is the further case of the plaintiffs that the defendant has agreed to pay interest at the rate of 24% per annum. Advocate's notice was given on 21.1.1985 calling upon the defendant to make the aforesaid payment. However, the defendant has not made the payment and, therefore, the suit has ben filed for the recovery of the aforesaid amount. Though the defendant is served, the defendant has not filed any written statement. The matter was on Board on 26.7.2005 when the matter was adjourned to 1.8.2005. The matter was again adjourned to 2.8.2005. On 2.8.2005 again the matter was adjourned to 8.8.2005 and on 8.8.2005 the matter was adjourned to 10.8.2005. Today the learned counsel for the defendant seeks time to file the written statement. In view of the aforesaid facts and in view of the fact that the suit is filed 20 years back and no written statement has been filed, I refuse to adjourn the matter for filing the written statement.

2. The learned counsel for the plaintiffs has tendered the documents which are taken on record and marked Exhibit P-1 collectively. The learned counsel has also tendered the registration

certificate of the plaintiffs firm. The same is also taken on record and marked Exhibit P-2. In view of the aforesaid position that there is no written statement and in view of the fact that none of the averments made in the plaint are controverted by the defendant, I pass the following decree.

> There shall be a decree against the defendant and in favour of the plaintiff for the sum of Rs. 1,87,311/- with further interest at the rate of 9% per annum on the principal amount of Rs. 1,19,809/- till payment and/or realisation.

3. Suit is disposed of accordingly. However, there shall be no order as to costs.